

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEVELOPERS SURETY AND
INDEMNITY COMPANY,

Plaintiff,

vs.

DISMAL RIVER CLUB, LLC.,

Defendant.

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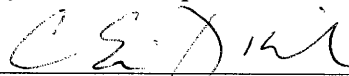
Case No. 4:07-CV-03148

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AGAINST DEFENDANT DISMAL RIVER CLUB, LLC**

COMES NOW Plaintiff Developers Surety and Indemnity Company ("Developers") and moves the Court, pursuant to F.R.C.P. 56, to enter summary judgment in Developers' favor and against Defendant, Dismal River Club, LLC ("Dismal River"). Developers respectfully requests the Court to grant its Motion for Summary Judgment declaring that due to Dismal River's failures to do the conditions precedent under bond Developers has no obligation under its performance bond to Dismal River Club, LLC, or its successors and assigns. Filed herewith and incorporated herein by reference is Plaintiff's Brief in Support of its Motion for Summary Judgment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Service of the foregoing was effected via electronic transmission through the District Court's ECF filing system this 15th day of February, 2008 to all counsel of record.



Attorney for Plaintiff